IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3771 of 2004

SMT.KAILASH KAWAR & ORS
V/S
MOTOR ACCIDENT CLAIM TRIBUNAL,UDR.& ORS.

Mr. VIJAY RAJPUROHIT FOR MR.SANDEEP SARUPARIA, for the petitioner

Date of Order : 23.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Mr.Rajpurohit, learned counsel for the petitioner prays adjournment. However, in view of the fact that number of adjournments have been granted in the past, today was the date consciously got fixed by counsel for the petitioner itself on 17.9.04, I am not inclined to grant adjournment. Thereafter learned counsel for the petitioner was heard.

By impugned order dated 21.2.2004, learned trial court has dismissed the petitioner's application for amendment of claim. Learned trial court has found the application to be not bonafide, as the controversy appears in the claim is that, the deceased was contested to be a passenger in the goods vehicle, for which Insurer is not liable and, therefore, realising this position, the amendment is sought to be made to take the plea that deceased was travelling in the vehicle as second driver.

I do not find any error in the order of learned Tribunal refusing such amendment, which is bereft of bonafide. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/